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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:11-CR-349-GMN-(PAL)
11 STEVEN BYINGTON,)
12 Defendant.)

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14 **PRELIMINARY ORDER OF FORFEITURE**

15 This Court finds that on June 20, 2013, defendant STEVEN BYINGTON was found guilty by
16 a Jury on Counts Two and Three of a Three-Count Criminal Indictment and a Bill of Particulars
17 charging him in Count Two with Receipt of Child Pornography, in violation of Title 18, United States
18 Code, Section 2252A(a)(2) and (b); and in Count Three with Possession of Child Pornography, Title
19 18, United States Code, Section 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Bill of Particulars,
20 ECF No. 10; Jury Trial Minutes, ECF No. 77; Jury Verdict, ECF No. 79.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1), and (2), the United States of
22 America has shown the requisite nexus between the property set forth in the Forfeiture Allegation of
23 the Criminal Indictment and the Bill of Particulars and the offenses to which defendant STEVEN
24 BYINGTON was found guilty. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 10; Jury
25 Trial Minutes, ECF No. 77; Jury Verdict, ECF No. 79.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code,
2 Sections 2253(a)(1) and 2253(a)(3):

- 3 1. Computer – HP Media Center, Model M7067c, serial number mxk5130z0x;
- 4 2. USB Memory Sticks (2), serial numbers unknown;
- 5 3. Hard Drive – HP Personal Media Drive, serial number cnu64503f3;
- 6 4. Hard Drive – HP Personal Media Drive, serial number usu625z06b;
- 7 5. Computer – HP Pavillion, Model a6742p, serial number mxu913066z; and
- 8 6. All visual depictions described in Title 18, United States Code, Section 2251,
9 2251A, 2252, and 2252A and all items containing such visual depictions, which
10 were transported, shipped and received in violation of Title 18, United States Code,
11 Section 2252A and all property, real and personal, used and intended to be used to
12 commit and promote the commission of the aforesated offense, including but not
13 limited to, the following properties: computer images, including movie files,
14 depicting a minor engaging in sexually explicit conduct and the diskette and hard
15 drives on which they are maintained (“property”).

16 All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).

17 This Court finds the United States of America is now entitled to, and should, reduce the
18 aforementioned property to the possession of the United States of America.

19 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
20 United States of America should seize the aforementioned property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
22 STEVEN BYINGTON in the aforementioned property is forfeited and is vested in the United States of
23 America and shall be safely held by the United States of America until further order of the Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
25 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
26 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the

1 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
2 name and contact information for the government attorney to be served with the petition, pursuant to
3 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
5 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
8 following address at the time of filing:

9 MICHAEL A. HUMPHREYS
10 Assistant United States Attorney
11 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
13 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
14 following publication of notice of seizure and intent to administratively forfeit the above-described
15 property.

16 DATED this 3rd day of July, 2013.

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UNITED STATES DISTRICT JUDGE

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I, Ray Southwick, Forfeiture Support Associates Paralegal, certify that the following

Michael W. Sanft
Sanft Law
520 S. 4th St.
Las Vegas, NV 89101
michael@sanftlaw.com
Attorney for Steven Byington

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